



Australian Centre for International Commercial Arbitration
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Media Release

30 August 2011

BHP Billiton welcomes new Australian international arbitration rules

Vice President of Litigation BHP Billiton, Mr Damian Lovell has today welcomed the introduction of the new *ACICA Arbitration Rules* designed to speed up the resolution of cross border and international commercial disputes.

Mr Lovell, who is responsible for the dispute resolution strategy for the world's largest diversified mining company, said it is standard practice for BHP Billiton to include arbitration clauses in its cross border contracts:

"We see international arbitration as an integral part of our global dispute resolution strategy. We commend ACICA's initiative in producing these rules which is consistent with this strategy."

In welcoming the endorsement by BHP Billiton, ACICA President and Clayton Utz Head of Major Projects and International Arbitration, Professor Doug Jones AM said servicing cross border dispute resolution is a global billion dollar business and with legislative, regulatory and procedural reforms in place, Australia is an attractive destination to resolve global business disputes:

"Australia is well placed to meet the growing demand for first-rate, cost-effective arbitration services especially in the Asia Pacific region."

Following the Australian Government's decision to appoint ACICA as the sole default appointing authority under the amended *International Arbitration Act* (1974), the *ACICA Arbitration Rules* have been updated after extensive consultation with eminent practitioners, policymakers, academics and business leaders. The Rules now include Emergency Arbitrator provisions - a first for an Australian arbitral body.

Chair of the ACICA Rules Committee, Malcolm Holmes QC said the provisions will provide greater flexibility including an option to seek emergency interim measures of protection from an emergency arbitrator before the arbitral tribunal is constituted:

"One of the concerns expressed by the international business community is that arbitration needs to provide means of granting protective measures. A party to a dispute may need to ensure that the other party refrains from taking certain actions before the dispute has been heard. For instance, one party may wish to prevent the other party from destroying evidence, or it may seek to ensure that the other party continues to perform its obligations under an ongoing contract."

A major partner of the Australian International Disputes Centre (www.disputescentre.com.au) and a signatory to agreements with over 50 global arbitral bodies including the Permanent Court of Arbitration at The Hague, ACICA has also developed the *Appointment of Arbitrators Rules 2011* which establish a streamlined process through which a party can apply to have an arbitrator appointed to a dispute seated in Australia.

A board comprising representatives of the Attorney-General of Australia, the Chief Justices of the High Court and Federal Court, the President of the Australian Bar Association, the President of the Law Council of Australia and industry representatives will oversee the appointment process.

The rules have received full endorsement from the ACICA Corporate members: Allens Arthur Robinson, Blake Dawson, Clayton Utz, Corrs Chambers Westgarth, DLA Piper, Freehills, Holman Fenwick Willan, Mallesons Stephen Jaques, Minter Ellison, Norton Rose, Sapere Research Group and the Victorian Bar.

ACICA will promote the new arbitration rules with a series of presentations next month to be held in global financial centres including Zurich, New York and Shanghai.

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